

EXHIBIT A

State Court Pleadings

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21-CVS-577

KELLY FANELLO, 2021 MAR -8 A 10: 27

Plaintiff,

vs.

McLANE COMPANY, INC.,

Defendant.

COMPLAINT
(Jury Trial Demanded)

NOW COMES Plaintiff, complaining of Defendant, and alleges as follows:

1. Plaintiff is a citizen and resident of the State of New York.
2. Defendant is a foreign corporation authorized to do business in North Carolina..

Factual Background

3. This lawsuit arises out of an accident that occurred on January 11, 2020.
4. Plaintiff was working her normal job at Pizza Hut when the events alleged herein occurred.
5. McLane delivered food products to the Pizza Hut location where Plaintiff worked from time to time.
6. In the week or so prior to the accident made the basis of this lawsuit, a McLane employee delivered product to the Pizza Hut location and unsafely stacked boxes too high in the freezer walk-in.
7. Pizza Hut verbally warned McLane about this and instructed Defendant not to stack the boxes so high.
8. On the morning of January 11, 2020, an employee of Defendant delivered food boxes to the Pizza Hut location where Plaintiff was working.
9. The McLane employee who delivered the boxes was acting in the course and scope of his (or her) employment with Defendant at the time he delivered the food boxes.

10. Defendant's employee also stacked some of the boxes he had delivered in the walk-in/freezer.

11. The McLane employee who stacked some of the boxes was acting in the course and scope of his employment with Defendant at the time he stacked the boxes.

12. Despite the prior warning, Defendant's employee stacked the boxes too high and/or improperly in other ways to be identified during the discovery process, which caused the stack of boxes to be unstable.

13. Shortly thereafter, Plaintiff opened the door to the walk-in/freezer.

14. The change in air pressure from opening the door caused the boxes to fall over, some of which landed on Plaintiff and injured her.

15. Plaintiff's damages exceed \$25,000, and include but are not limited to damages for medical expenses (past and future), lost wages and lost earning capacity, pain and suffering (past and future), physical impairment (past and future), physical disfigurement (past and future) and permanent injury.

Claim for Negligence

16. Plaintiff realleges paragraphs 1-14 in support of this claim.

17. Defendant owed a duty to Plaintiff to stack the boxes in a reasonably prudent manner.


18. Defendant breached this duty by stacking the boxes too high and by leaving the boxes in an unstable condition.

19. Defendant's breach of its duty proximately caused damages to Plaintiff as alleged in paragraph 14.

WHEREFORE, Plaintiff prays that:

1. She have and recover compensatory damages from Defendant;
2. The costs of this action are taxed to Defendant;
3. She have a trial by jury on all issues so triable.
4. She have such other and further relief as to the Court may seem just and proper.

This, the 2nd day of March, 2021.



Brett E. Dressler (NC Bar # 34516)
SELLERS AYERS DORTCH & LYONS, P.A.
301 Midtown Building, Suite 410
301 South McDowell Street
Charlotte, NC 28204
Telephone: (704) 377-5050
Facsimile: (704) 927-2868
Email: bdressler@sellersayers.com

STATE OF NORTH CAROLINA

CATAWBA County

File No.

21-CVS 577

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff KELLY FANELLO
Address 301 S. McDowell, Suite 410
City, State, Zip Charlotte NC 28204
VERSUS
Name Of Defendant(s)

CIVIL SUMMONS
<input type="checkbox"/> ALIAS AND PLURIES SUMMONS (ASSESS FEE)
G.S. 1A-1, Rules 3 and 4
Date Original Summons Issued
Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1 McLane Company, Inc. CT Corporation System, Registered Agent 160 Mine Lake Ct, Ste. 200 Raleigh, NC 27615	Name And Address Of Defendant 2
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IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff) Brett Dressler Sellers Ayers Dortch & Lyons, PA 301 S. McDowell, Suite 410 Charlotte NC 28204	Date Issued 3.8.21	Time 10:26 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
	Signature <i>Kelly Shepard</i>	
	<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Signature	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

Service Fee Paid \$	Signature Of Deputy Sheriff Making Return
Date Received	Name Of Sheriff (type or print)
Date Of Return	County Of Sheriff

03/15/2021

CT Log Number 539205754

TO: Larry Parsons
McLane Company, Inc.
4747 McLane Pkwy
Temple, TX 76504-4854

RE: Process Served in North Carolina

FOR: McLane Company, Inc. (Domestic State: TX)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: KELLY FANELLO, Pltf. vs. McLane Company, Inc., Dft.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 21CV5577

NATURE OF ACTION: Employee Litigation - Personal Injury

ON WHOM PROCESS WAS SERVED: CT Corporation System, Raleigh, NC

DATE AND HOUR OF SERVICE: By Certified Mail on 03/15/2021 postmarked on 03/12/2021

JURISDICTION SERVED : North Carolina

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 03/15/2021, Expected Purge Date: 03/20/2021

Image SOP

Email Notification, Luis Garcia luis.garcia@mclaneco.com

Email Notification, John Gunter John.Gunter@mclaneco.com

Email Notification, Kim Magyar kim.magyar@mclaneco.com

Email Notification, Jesse Hayes jesse.hayes@mclaneco.com

Email Notification, Jennifer Loftin jennifer.loftin@mclaneco.com

Email Notification, Stuart Masters Stuart.Masters@mclaneco.com

Email Notification, Larry Parsons larry@mclaneco.com

REGISTERED AGENT ADDRESS: CT Corporation System
160 Mine Lake CT
Suite 200
Raleigh, NC 27615
866-665-5799

**Service of Process
Transmittal**

03/15/2021

CT Log Number 539205754

TO: Larry Parsons
McLane Company, Inc.
4747 McLane Pkwy
Temple, TX 76504-4854

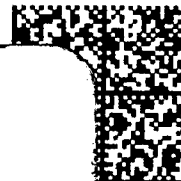
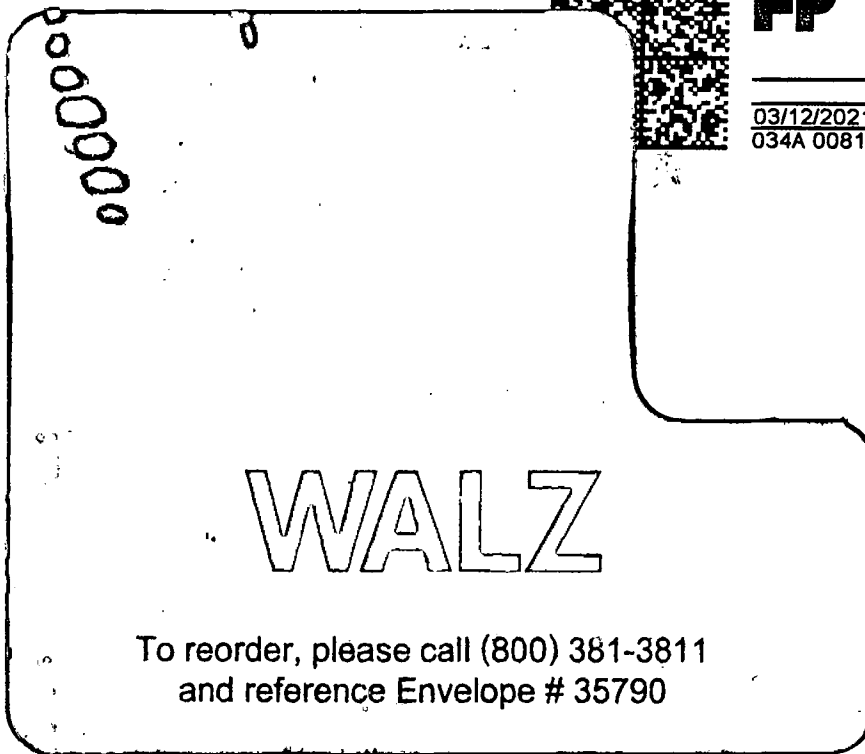
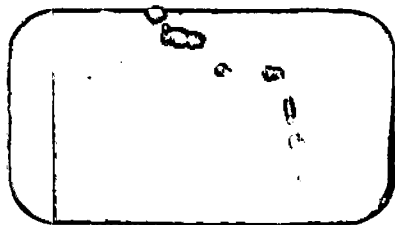
RE: Process Served in North Carolina

FOR: McLane Company, Inc. (Domestic State: TX)

SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

CERTIFIED MAIL®



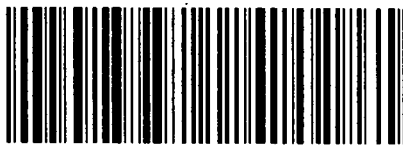
FP  **US POSTAGE**
\$005.86⁰

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ZIP 28204

03/12/2021

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KG
Sellers Ayers Dortch & Lyons, PA
301 S. McDowell Street
Suite 410
Charlotte, NC 28204



9314 8699 0430 0080 2956 28

RETURN RECEIPT (ELECTRONIC)



McLane Company, Inc
CT Corporation System, Registered Agent
160 Mine Lake Court, Ste. 200
Raleigh, NC 27615

Reference Number: 40578.0001

SELLERS, AYERS, DORTCH & LYONS, P.A.

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301 SOUTH McDOWELL STREET
CHARLOTTE, NORTH CAROLINA 28204-2686

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* Also Admitted in South Carolina
** Also Admitted in West Virginia
† Also Admitted in Georgia
†† Also Admitted in Texas
††† Also Admitted in Tennessee
‡ Certified Mediator

CHARLES E. LYONS II * (1960-2016)

March 12, 2021

CERTIFIED MAIL RETURN RECEIPT
REQUESTED # 9314 8699 0430 0080 2956 28

McLane Company, Inc
CT Corporation System, Registered Agent
160 Mine Lake Court, Ste. 200
Raleigh, NC 27615

RE: Kelly Fanello v. McLane Company, Inc. (21-CVS-577)

Dear Sir or Madam:

Pursuant to Rule 4 of the North Carolina Rules of Civil Procedure, I am hereby serving you as registered agent with a copy of the Summons and Complaint that has been issued against you in the above-referenced action.

Please be advised that an Answer or other responsive pleading must be filed within 30 days from the date of service or the Court may grant the plaintiff the relief requested in the action with no further notice.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Brett Dressler

BED/kg
Enclosures